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1 didn't take the decisions in Spain and
2 Mr. Murphy the same.

3 Q. Now, Mr. Debregeas, pursuant to the
4 draft of this agreement, was acting on behalf
5 of Ethypharm Spain and Ethypharm France,
6 correct?

7 A. Yes. That's what is established
8 here, but I do not know if this is correct
9 under Spanish legislation.

10 Q. I am going to read the first
11 paragraph of Exhibit 23. And because this is
12 in English and you speak English and you read
13 English, I think we can again give our
14 translator a few moments of rest.

15 "Mr. James R. Murphy on behalf and
16 in representation of Laboratorios Belmac SA
17 (herein after referred to as 'Belmac') with
18 corporate domicile at Paseo de la Castellana,
19 149, 28046 Madrid, he uses the faculties and
20 powers granted to him as executive director of
21 Belmac."

1 A. Yes.

2 Q. And turn, please, to Exhibit 25 --
3 I'm sorry. Exhibit 24.

4 Do you recognize the handwriting in
5 Exhibit -- that appears on Exhibit 24?

6 MR. BOSTWICK: I'm going to object.
7 There is a lot of writing top of the page and
8 the inside.

9 MR. STEWART: Yeah. The first page
10 of Exhibit 24 is EP 009008.

11 THE WITNESS: Yes.

12 BY MR. STEWART:

13 Q. And whose handwriting is that?

14 A. Mr. Debregeas.

15 Q. And then page 9009 and 009010, do
16 you recognize that handwriting?

17 A. No. If it is not Debregeas, I don't
18 know whose that is but I am asking because I
19 don't know if you know.

20 Q. I am not sure.

21 A. Because it's not from anybody from

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1 Have I read that correctly?

2 A. Yes.

3 Q. Did you remark at any time that this
4 agreement should also have been drafted so that
5 Mr. Murphy was acting on behalf of Belmac
6 Corporation as it was then known; that is,
7 Belmac Corporation U.S.?

8 A. It was not my mention at that time.
9 That was the role of our lawyer that was
10 present at the time.

11 Q. Who was the lawyer of Ethypharm at
12 that time?

13 A. The secretary of the board of
14 directors.

15 Q. And what was his name?

16 A. Perez Sendino, S-E-N-D-I-N-O.

17 BY MR. STEWART:

18 Q. S-E or S-A?

19 A. S-E.

20 Q. And the secretary of the board of
21 directors of Ethypharm Spain?

1 the company that I know.

2 MR. BOSTWICK: I just kind of object
3 to the lawyer's answer.

4 MR. STEWART: I will mark as the
5 next exhibit a fax dated March 31, 1995.
6 (Deposition Exhibit No. 26 was
7 marked for identification.)

8 MR. STEWART: I have decided I
9 really don't have any questions with respect to
10 this document, so whether I -- I will leave it
11 in if you want to look at it.

12 Why don't we have it marked as the
13 next exhibit, 26.

14 BY MR. STEWART:

15 Q. I will ask one question. First,
16 Mr. de Basilio, do you recognize Exhibit 26 as
17 a memorandum that you sent to Mr. Igonet?

18 A. Yes.

19 Q. And on the bottom of the first page
20 of the exhibit, I'm going to read a sentence.

21 And it reads "In addition to the meetings with

24 (Pages 241 to 244)

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1 the lawyers, we have been in constant
2 communication with the manager of Belmac Spain
3 and the chairman of Belmac U.S. A."

4 THE INTERPRETER: Is this in
5 English?

6 MR. STEWART: In Spanish, but let me
7 see if -- do you need that translated? I would
8 propose that we, if it's agreeable, that we
9 suspend the translation. It's in Spanish.

10 MR. BOSTWICK: Except that this is a
11 rough translation. The other was the original.
12 He should just read the original sentence in
13 Spanish, and then you can ask the question.

14 BY MR. STEWART:

15 Q. If you would read what I have just
16 read in English?

17 A. (Witness complied.)

18 "Besides the meeting with the
19 lawyers, we have been in constant
20 communications with the managers of Belmac
21 Spain and chairman of Belmac U.S.A."

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1 question before I lay a foundation.

2 A. I do not recognize it.

3 Q. Okay. Do you see under the category
4 of -- on the first page that your name appears?

5 A. Yes.

6 Q. And are you listed as a person who
7 attended?

8 A. Yes.

9 Q. Do you recall that there was such a
10 meeting at the Zaragoza facility in April of
11 1995?

12 A. I had totally forgotten it, but I am
13 now remembering it.

14 MR. BOSTWICK: While Mr. de Basilio
15 is looking at that, can I just clarify this
16 Exhibit 27 was given to me as two separate
17 documents, but are they both the exhibit?

18 MR. STEWART: I guess I don't know
19 whether they were two separate documents. May
20 I see it?

21 Oh, I see what you mean.

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1 Q. Who did you mean when you said the
2 manager of Belmac Spain?

3 A. At that time Clemente Gonzales.

4 Q. And who did you mean when you said
5 the chairman of Belmac U.S.A.?

6 A. Mr. Murphy.

7 Q. Next document is minutes of the
8 meeting -- minutes of a meeting held in
9 Zaragoza on April 4, 1995.

10 (Deposition Exhibit No. 27 was
11 marked for identification.)

12 BY MR. STEWART:

13 Q. Do you recognize Exhibit 27 as
14 minutes of a meeting that you attended and
15 which was held in the Zaragoza factory on or
16 about April 4, 1995?

17 MR. BOSTWICK: Objection.
18 Foundation. I don't know that he has seen it.

19 BY MR. STEWART:

20 Q. Do you see at the -- well, let me --
21 let's see if Mr. de Basilio can answer my

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1 MR. BOSTWICK: In other words,
2 one --

3 MR. STEWART: One is an English
4 translation, and one is a Spanish translation?

5 MR. BOSTWICK: Right. But under --
6 distinct from other situations where the
7 translation is a translation for purposes of
8 this lawsuit, it looks as though the
9 translation that has been provided is -- has
10 been produced from Bentley's files, so it
11 appears to be a contemporaneous English
12 translation.

13 I just want to make sure that that
14 is part of Exhibit 27 since it wasn't stapled.
15 It was clipped, but it was not stapled. I just
16 want to make sure that that's --

17 MR. STEWART: That is the intention.

18 MR. BOSTWICK: Okay. We will get a
19 stapler later.

20 MR. STEWART: I will clip that now.

21 MR. BOSTWICK: In other words, just

25 (Pages 245 to 248)

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1 for the record in case we forget to do that.
 2 Bentley -- Belmac 024 through 029 is one
 3 document and we are including in Exhibit 27
 4 Bentley 8323 and through 8328?
 5 MR. STEWART: That is correct.
 6 Thank you for that clarification.
 7 BY MR. STEWART:
 8 Q. Mr. de Basilio, I have just a couple
 9 of questions regarding the content of this
 10 memorandum.
 11 If you would turn, please, to
 12 Bentley 8324, that's the page number.
 13 Do you have that page, sir? Okay.
 14 Four paragraphs up from the bottom, I am going
 15 to read what is written.
 16 "Mr. Juan Carlos Asensio informed us
 17 that they make some microgranules."
 18 THE WITNESS: The number?
 19 MR. STEWART: In my effort to be
 20 helpful, I think I may have -- yes, that's
 21 correct.

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1 THE WITNESS: Okay. I have found
 2 it.
 3 MR. STEWART: Yes?
 4 THE WITNESS: I found it.
 5 BY MR. STEWART:
 6 Q. Let me start again.
 7 "Mr. Juan Carlos Asensio informed us
 8 that they make some microgranules, analyze
 9 them, and find that they are fine, but when
 10 they reach the wholesalers, they are returned.
 11 Mr. Ayala de Basilio informed us that Ethypharm
 12 accepts liability for the product returned by
 13 the wholesaler."
 14 THE INTERPRETER: This is not what
 15 it says here. This says something totally
 16 different.
 17 MR. STEWART: Okay. Then I will ask
 18 the translator to -- well, let me conclude.
 19 BY MR. STEWART:
 20 Q. Have I read that paragraph
 21 correctly?

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1 MR. BOSTWICK: In English?
 2 BY MR. STEWART:
 3 Q. In English?
 4 A. Yes.
 5 MR. STEWART: The witness says I
 6 have.
 7 BY MR. STEWART:
 8 Q. My question is with respect to
 9 products returned from a wholesaler, was this a
 10 subject that you ever discussed with
 11 Jim Murphy?
 12 MR. BOSTWICK: I'm going to object,
 13 and in fairness, the translator indicated there
 14 was something apparently wrong with the
 15 translation. Maybe we should know what it is
 16 before we -- about that specific sentence you
 17 read.
 18 MR. STEWART: Well, I am going to --
 19 obviously the translator is not the witness,
 20 and what the witness says or does not say is
 21 what is important to the deposition. I will go

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1 off the record, and we can hear what the
 2 translator has to say.
 3 THE VIDEOGRAPHER: The time is
 4 12:46:37. Off the record.
 5 (A short recess was taken.)
 6 THE VIDEOGRAPHER: On the record.
 7 The time is 12:49:15.
 8 BY MR. STEWART:
 9 Q. Mr. de Basilio, do you wish to make
 10 any correction to the paragraph which I read a
 11 few minutes ago?
 12 A. Well, the translator is right in the
 13 sense that what he says in Spanish is not what
 14 it says in the English. What I have seen is
 15 that this is the translation that was made by
 16 Laura Peterson for Mr. Murphy because I had
 17 seen her name as present in the meeting,
 18 therefore, as a daughter of an American or U.S.
 19 citizen, she botched the Spanish but she wrote
 20 it a lot better in English.
 21 That's what I said. That's what I

26 (Pages 249 to 252)

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1 can figure.
 2 Q. Laura Peterson was a secretary to
 3 Clemente Gonzales, correct?
 4 A. Yes.
 5 MR. STEWART: Can I have the
 6 question back before the objection by
 7 Mr. Bostwick.
 8 (The record was read as requested.)
 9 THE WITNESS: Yes, most certainly,
 10 and he was informed also by Laura Peterson.
 11 BY MR. STEWART:
 12 Q. The question was not whether he was
 13 informed by Laura Peterson of the content of
 14 the discussion at the meeting.
 15 A. Please excuse me, but when I see the
 16 name Laura Peterson as present and
 17 understanding the translation, I brought her
 18 up.
 19 Q. My question is whether you, Adolfo
 20 de Basilio, ever discussed the problem of
 21 returns from wholesalers to Belmac or to

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1 12:55:35. Off the record.
 2 (A short recess was taken.)
 3 THE VIDEOGRAPHER: This ends Tape
 4 Number 2 of Volume 2 of the de Basilio
 5 deposition and the time is 13:32:51.
 6 Off the record.
 7 (Deposition Exhibit Nos. 28 through
 8 31 were marked for identification.)
 9 THE VIDEOGRAPHER: On the record
 10 with Tape Number 3 of Volume 2 of the testimony
 11 of Adolfo de Basilio in the matter of Ethypharm
 12 versus Bentley. The date is August 3, 2006.
 13 The time is 14:00:22.
 14 BY MR. STEWART:
 15 Q. Good afternoon, Mr. de Basilio.
 16 A. Good afternoon.
 17 Q. We have marked four exhibits,
 18 Exhibits 28 through 31, which you have in front
 19 of you.
 20 A. I only have 28 and 29.
 21 Okay. Yes, I have the four.

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1 Ethypharm?
 2 A. I have stated already that yes, and
 3 that now I realize that he was also informed.
 4 Q. And when did you discuss this
 5 problem with Mr. Murphy?
 6 A. On several occasions because this
 7 was not a single problem. It was a problem
 8 that we had.
 9 Q. And during what years or year?
 10 A. The development of Omeprazole in
 11 Spain as we couldn't make it in France because
 12 of the patent. Had we made in the Zaragoza
 13 plant, we had to brought in skilled personnel
 14 from all kinds to teach their employees, and
 15 the problem lasted, since we enter in the old
 16 Rimafar, until possibly the year '96, but that
 17 should have -- should be answered by the
 18 technicians.
 19 MR. STEWART: Okay. Why don't we go
 20 off the record a minute.
 21 THE VIDEOGRAPHER: The time is

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1 Q. I'm going to focus the next couple
 2 of minutes on Exhibits 28, 29, and 30. And do
 3 you recognize Exhibits 28, 29, and 30?
 4 A. Yes. October 28, now to the 29th
 5 and the 30th neither. And I recognize
 6 handwriting on the 31st.
 7 Q. Would you please tell us what
 8 Exhibit 28 is?
 9 A. It's an outsourcing contract.
 10 Q. And who prepared the draft of
 11 Exhibit 28?
 12 A. I think -- I believe that this is
 13 what -- the translation of what we have seen
 14 this morning what our lawyer -- that our lawyer
 15 asked for.
 16 Q. You say this was the translation of
 17 the document that your lawyer asked for?
 18 MR. BOSTWICK: Objection. He didn't
 19 say with certainty.
 20 THE WITNESS: If I see it next to
 21 all the documents, perhaps I could remember

27 (Pages 253 to 256)

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1 better.
 2 BY MR. STEWART:
 3 Q. Well, let me ask you this question:
 4 Do you -- did you have any involvement in the
 5 drafting or negotiation of a manufacturing
 6 agreement with Laboratorios Belmac in or about
 7 March of 1997 -- I'm sorry, in or about
 8 September of 1997?
 9 THE INTERPRETER: Who was the
 10 manufacturing agreement?
 11 BY MR. STEWART:
 12 Q. Ethypharm and Laboratorios Belmac.
 13 A. Normally, yes, but if you let me see
 14 the letter that accompanies this contract,
 15 maybe I can be more precise.
 16 Q. Well, for now what I would like you
 17 to do is to help me understand the sequence of
 18 Exhibits 28, 29, and 30.
 19 A. Well, here you have a draft, then
 20 you have corrections to these drafts and whose
 21 writing I do not recognize in Exhibit 29. And

1 A. That is correct.
 2 Q. And did you negotiate and who at
 3 Laboratorios Belmac were you negotiating with?
 4 A. At this time with Clemente Gonzales,
 5 and I put it on there question mark because I
 6 don't remember very well.
 7 Q. Did you have any direct discussions
 8 with Jim Murphy with respect to Exhibits 28,
 9 29, or 30?
 10 A. I go back to my first statement as I
 11 cannot remember when these contracts exactly in
 12 terms of time. I cannot say for certain.
 13 Q. This contract was not -- was never
 14 signed by either Ethypharm Spain or
 15 Laboratorios Belmac; is that correct?
 16 MR. BOSTWICK: Which exhibit are you
 17 talking about? Any of them?
 18 MR. STEWART: Any of them.
 19 THE WITNESS: 28 was not signed.
 20 And the 29 and 30 I do not recognize them, but
 21 I can see that they have no signatures.

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1 Exhibit 30 is exactly the same. It looks like
 2 the follow-up from the previous.
 3 Q. That is Exhibit 30, which is the
 4 follow-up. Is that --
 5 A. Yes. Exhibit 30.
 6 Q. And as we -- why don't we continue.
 7 Whose handwriting is on Exhibit 31?
 8 A. It is from Ignacio Alvarez.
 9 Q. And do you recall Mr. Alvarez being
 10 involved in negotiations with -- involved in
 11 negotiations concerning a contract between
 12 Ethypharm Spain and Laboratorios Belmac in
 13 September of 1997?
 14 A. He was under my employment, so of
 15 course, he was participating.
 16 Q. And you were participating as well;
 17 is that correct?
 18 A. Of course.
 19 Q. And were the same people from
 20 Ethypharm France participating as you have
 21 described in your earlier testimony?

1 BY MR. STEWART:
 2 Q. Do you remember what the principal
 3 points of disagreement were between Ethypharm
 4 Spain and Laboratorios Belmac at this time
 5 concerning the signing of an outsourcing
 6 agreement?
 7 A. The same as always.
 8 Q. Which were -- which was what?
 9 A. There was a margin that it was not
 10 favorable to us, and we didn't have a framework
 11 for a contract because, that is a general
 12 contract because this was an outsourcing
 13 contract. And as important as this is that
 14 they were not respecting the GMP norms.
 15 Q. When you say "they," who is "they"?
 16 A. Belmac Laboratories.
 17 Q. Now, you just said that there was no
 18 framework for a general contract. Would you
 19 describe what you have in mind with respect to
 20 a general contract?
 21 MR. BOSTWICK: Object to the

28 (Pages 257 to 260)

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1 characterization of the testimony.
 2 THE WITNESS: Can you rephrase the
 3 question.
 4 BY MR. STEWART:
 5 Q. Yes.
 6 I understood you to say that in
 7 response to my question that one of the
 8 disagreements was that there was no framework
 9 for a general contract as opposed to an
 10 outsourcing contract, which is what Exhibit 28
 11 was.
 12 And so my question is what did you
 13 mean by a "general contract"?
 14 MR. BOSTWICK: Same objection.
 15 THE WITNESS: This is simply an
 16 outsourcing contract, and what we wanted to
 17 have was a general contract which would acquire
 18 our technology and recognize our technology and
 19 would pay the royalties for it.
 20 BY MR. STEWART:
 21 Q. And at this time, September of 1997,

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1 with Bentley Pharmaceuticals, Incorporated?
 2 A. This question would be better asked
 3 to Mr. Debregeas or Mr. Leduc, but I assume at
 4 some point they did ask for that.
 5 Q. Did you ever ask for such a
 6 contract?
 7 A. I remember at some point
 8 Mr. Debregeas at his office in Paris.
 9 Q. And I am going to interrupt for a
 10 moment.
 11 The question I asked was whether you
 12 ever requested --
 13 A. Yes, I understood.
 14 Q. Please continue.
 15 A. In a meeting in Paris with
 16 Mr. Debregeas, I remember perfectly well that
 17 he told me -- remember he told me "You have to
 18 ask these people that we need a contract" --
 19 THE WITNESS: A royalty.
 20 A. We need a royalty." And what he
 21 meant by "these people" I understood to be

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1 did Ethypharm give any consideration to having
 2 Bentley Pharmaceuticals as a party to the
 3 contract?
 4 A. I cannot place myself precisely at
 5 that time because I cannot place where this
 6 contract was in the negotiating process. There
 7 were so many contracts that at the end this is
 8 just one of.
 9 Q. Okay. Did there ever come a time
 10 when Ethypharm France or Ethypharm Spain wanted
 11 to execute a contract with Bentley
 12 Pharmaceuticals in connection with the
 13 manufacture of Omeprazole?
 14 A. I really didn't understand the
 15 question. This is so obvious. We have -- we
 16 have been for 18 years trying to get a
 17 contract.
 18 Can you rephrase the question.
 19 Q. My question is focused on whether
 20 Ethypharm France or Ethypharm Spain ever
 21 requested that a contract be signed directly

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1 Bentley and Mr. Murphy as representative of
 2 them. He said explicitly "We need for them to
 3 pay the royalties and ask are they paying the
 4 royalties," and I replied "Well, they are
 5 buying the stock."
 6 THE WITNESS: The product.
 7 A. The product which includes the
 8 royalties, but he said explicitly that they
 9 must pay for the royalties from our know-how.
 10 Q. Mr. de Basilio, did you ever request
 11 of Mr. Murphy that he sign a contract on behalf
 12 of Bentley Pharmaceuticals, Incorporated with
 13 Ethypharm?
 14 A. I don't remember.
 15 Q. You don't remember one way or the
 16 other?
 17 MR. BOSTWICK: Without showing him a
 18 document?
 19 MR. STEWART: Correct.
 20 THE WITNESS: I remembered that we
 21 sent back for Mr. Murphy several documents. I

29 (Pages 261 to 264)

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1 don't know if one of these documents is
2 specifically referred to that point you are
3 asking.
4 I remember about a certificate that
5 in a meeting Mr. Leduc showed and waved back
6 and forth, and that meeting Mr. Murphy was
7 present and many other employees of Ethypharm
8 and Mr. Murphy stated "Yes, I will sign it."
9 And in that document our technology was and
10 know-how was talked about.

11 BY MR. STEWART:

12 Q. And was that document ever signed?

13 A. No. Mr. Murphy didn't sign it.
14 That was one of the demands by Mr. Leduc to
15 continue.

16 Q. What was one of the demands by
17 Mr. Leduc to continue?

18 A. That the document be signed.

19 Q. To continue what?

20 A. The next step.

21 MR. STEWART: To continue what?

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1 sent to Mr. Debregeas and other people.

2 My question is do you recognize the
3 letter from Mr. Leduc to Mr. Murphy and the
4 attached technology license and manufacturing
5 agreement?

6 A. This is a personal letter and from
7 what I can gather, they wanted to disclose it
8 in between them, so I wasn't present.

9 Q. So you don't recognize the letter
10 from Mr. Leduc to Mr. Murphy; is that right?

11 A. I recognize the signature and what
12 it said. That is something that we were
13 discussing. And the issues we all knew.

14 Q. And do you recognize the technology
15 license and manufacturing agreement that is
16 attached to the letter?

17 A. Yes. This is a contract that merged
18 from the meeting of November or December of the
19 year 2000.

20 Q. And you reviewed the technology
21 license and manufacturing agreement before it

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1 THE INTERPRETER: For the next step.

2 BY MR. STEWART:

3 Q. What do you mean by the "next step"?

4 A. The signature of definite contract.

5 MR. STEWART: Let's have marked as
6 the next exhibit a transmittal sheet from
7 Mr. Leduc to Mr. Murphy with a date of
8 June 8, 2001 and an attached letter with an
9 attached technology license and manufacturing
10 agreement.

11 (Deposition Exhibit No. 32 was
12 marked for identification.)

13 MR. STEWART: Let's have marked as
14 the next exhibit an e-mail from Ethypharm Spain
15 with the date of May 16, 2001.

16 (Deposition Exhibit No. 33 was
17 marked for identification.)

18 BY MR. STEWART:

19 Q. Mr. de Basilio, to help you put
20 Exhibit 32 in context, I am providing to you a
21 copy of what appears to be an e-mail that you

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1 was put into the document that is part of
2 Exhibit 32; is that right?

3 A. No. This is a document that was
4 made by Roseline Joanesse and Mr. Leduc and
5 perhaps somebody else.

6 Q. In the e-mail that we have marked as
7 Exhibit 33, you quote from Mr. Debregeas in
8 which Mr. Debregeas said "I am still awaiting
9 the last text of the Ethypharm agreement"?

10 A. No, he didn't say that.

11 Q. He did not say that? All right.

12 Would you read for us, please, the
13 first sentence of Exhibit 33?

14 A. Do you understand French?

15 Q. Not enough to feel comfortable with
16 it.

17 . Did you write Exhibit 33 in French?

18 A. No. It was my secretary because my
19 communications were in English.

20 Q. Okay. Can you translate for us the
21 first paragraph that is in French?

30 (Pages 265 to 268)

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1 THE WITNESS: Would you trust me?
 2 MR. BOSTWICK: I will object to this
 3 extent. That we can let him try, but it's not
 4 a formal translation. He can try to give his
 5 rough impression of what this is in English if
 6 that's what you would like.
 7 MR. STEWART: I agree.
 8 MR. BOSTWICK: We don't have a
 9 French translator here obviously.
 10 THE WITNESS: I will do it directly
 11 into English. So I will complicate.
 12 "I received an e-mail from Mr. de
 13 Basilio and I am totally agreeing on the fact
 14 to protect our interests and -- and this makes
 15 reference to what we were previously discussing
 16 you have to achieve that they protect our
 17 royalty interests."
 18 And then I continue that I said "I
 19 am very surprised for the phrase that says 'I
 20 still wait for the last version of the contract
 21 between Ethypharm and Belmac that has been read

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1 me if I was consulted about this, I wasn't.
 2 Q. Is this the -- is this agreement;
 3 that is, the agreement in Exhibit 32, the type
 4 of agreement that you refer to as a "general
 5 agreement" between the parties?
 6 A. I will have to read it in detail,
 7 but it looks like it has everything that it
 8 should contain.
 9 Q. In the draft agreement that you
 10 reviewed, who was that agreement between?
 11 A. If you give me an old draft.
 12 Q. I would but I don't have one.
 13 THE WITNESS: I'm not going to
 14 continue because it's -- I mean ask me more
 15 questions.
 16 A. I was going to make a remark, but I
 17 would rather wait for you to make me another
 18 specific question.
 19 Q. All right. My question is the same
 20 as I just asked you. Who was the draft
 21 agreement between; that is, the agreement that

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1 by Adolfo de Basilio after one month'.
 2 And I answer to Roseline Joanesse
 3 "Please transmit that if I continue
 4 receiving -- please indicate that I am going to
 5 be angry if I receive message like this."
 6 BY MR. STEWART:
 7 Q. My question is did you review a
 8 copy, specifically a draft of the technology
 9 license and manufacturing agreement that became
 10 part of Exhibit 32?
 11 A. What I have said repeatedly is that
 12 I had reviewed the previous versions that we
 13 had negotiated in the months of November and
 14 December. This document, No. 32, was
 15 negotiated directly between Roseline Joanesse
 16 and Mr. Leduc.
 17 Q. When you say "negotiated," do you
 18 mean was drafted or prepared by?
 19 A. Negotiated means finished --
 20 Q. Finished? Okay.
 21 A. -- by them. And if you are asking

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1 you reviewed after the November of 2000
 2 meeting?
 3 MR. BOSTWICK: I will object because
 4 he doesn't have it in front of him.
 5 A. I don't have it. I don't know it,
 6 and besides that, it was not my decision.
 7 BY MR. STEWART:
 8 Q. To your knowledge, was the document
 9 in Exhibit 30 -- was the agreement in
 10 Exhibit 32 ever signed between Ethypharm SA and
 11 Laboratorios Belmac SA?
 12 A. No, it was not signed because they
 13 broke the agreement.
 14 Q. "They" being who?
 15 A. Belmac Laboratories.
 16 Q. What agreement did Belmac
 17 Laboratories break?
 18 A. That of March of 2000.
 19 Q. Do you mean when Adolfo Herrera gave
 20 notice that Laboratorios Belmac would not
 21 extend the agreement that was expiring by its

31 (Pages 269 to 272)

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1 terms?

2 A. Exactly.

3 MR. STEWART: So we have it, let's
4 mark as the next exhibit a letter of
5 November 14, 2001 to Mr. de Basilio from
6 Mr. Herrera concerning the contrato de
7 fabricacion.

8 (Deposition Exhibit No. 34 was
9 marked for identification.)

10 MR. STEWART: And Exhibit 35 will be
11 a letter from Adolfo Herrera dated November 14,
12 2001 concerning the Carta de Compromiso de
13 Compra.

14 (Deposition Exhibit No. 35 was
15 marked for identification.)

16 BY MR. STEWART:

17 Q. Mr. de Basilio, do you recognize
18 Exhibit 34 as a letter that you received from
19 Mr. Herrera on or around November 14 of 2001?

20 A. Yes. What I don't understand is why
21 there are two.

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1 Q. And those would be Mr. Leduc and
2 Mr. Debregeas?

3 A. Correct.

4 MR. STEWART: Let me have marked the
5 four documents and I will have some questions.
6 (Deposition Exhibit Nos. 36 through
7 39 were marked for identification.)

8 MR. STEWART: That's the letter
9 dated October 27, 1997.

10 And 36 is on Ethypharm's stationery
11 26th of January 2000.

12 And Exhibit 38 is a -- appears to be
13 a fax cover sheet dated January 11, 2001 with
14 an attached supply price document.

15 Sorry. There is a piece of that
16 which is just a repetition of other material so
17 I didn't intend to mark the other material.

18 MR. BOSTWICK: How many pages?

19 MR. MAGEE: It will be the first
20 two, and then the last one with the translation
21 and cover sheet.

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1 Q. Well, if you look at the first line,
2 Mr. Herrera says -- and I am giving you the
3 English translation and I invite you to correct
4 any mistake -- "We are writing to you in your
5 capacity of counterpart under the
6 'manufacturing contract' of Omeprazole
7 microgranules signed on March 23, 2000."

8 A. I'm sorry. I am asking for excuse
9 because I just noticed the difference.

10 Q. Just to confirm, Exhibit 35 refers
11 to the purchase commitment letter, correct?

12 A. Yes.

13 Q. Now, after receiving the Exhibits 34
14 and 35, did you personally have any discussions
15 with Jim Murphy concerning the termination of
16 the manufacturing contract and the purchase
17 letter agreement?

18 A. Obviously not. It was such a
19 gray question that I left it in the hands of
20 those who were in charge and was supposed to
21 call Mr. Murphy.

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1 MR. STEWART: You can hang on to
2 yours.

3 And then as Exhibit 39 a letter on
4 Laboratorios Belmac stationery dated April 9,
5 2002.

6 BY MR. STEWART:

7 Q. Mr. de Basilio, referring you to
8 Exhibit 36, is that your signature?

9 A. Yes.

10 Q. And do you recognize that this
11 document was signed by Dr. Clemente Gonzales
12 Azpetia?

13 A. Yes.

14 Q. Can you tell us what the
15 significance of this document is?

16 MR. BOSTWICK: Objection. Vague.

17 THE WITNESS: The prices that we
18 were negotiating at the local level.

19 BY MR. STEWART:

20 Q. And who was involved in those
21 negotiations?

32 (Pages 273 to 276)

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1 A. Normally Ignacio Alvarez.

2 Q. Did you ever get involved in those
3 negotiations?

4 A. At the higher level with France.

5 Q. Did -- explain to me, if you would,
6 how the process worked from Ethypharm Spain's
7 perspective?

8 MR. BOSTWICK: Objection. What
9 process?

10 MR. STEWART: The negotiation of
11 prices.

12 THE WITNESS: We arrived at this
13 point which was very critical after the
14 noncompliance with GMP norms by which
15 Mr. Claude Dubois went to Philadelphia to
16 discuss it with -- discuss the matter
17 personally with Mr. Murphy.

18 We had decided to break
19 relationships. We sent a letter in that regard
20 because they were not compliant with the
21 contract, with the norms, nor the prices. And

1 MR. BOSTWICK: Wait. We haven't
2 heard his response.

3 THE WITNESS: And the directors
4 signed what was decided by Mr. Dubois and
5 Mr. Murphy.

6 BY MR. STEWART:

7 Q. That is very interesting. But my
8 question was did Mr. Murphy and Mr. Dubois fix
9 the price of Omeprazole at 500,000 pesetas?

10 MR. BOSTWICK: Objection.
11 Argumentative.

12 Part of your question, Mr. Stewart,
13 was to describe the system, the procedures in
14 place that led to this. And that's exactly
15 what he answered. So that's my objection.

16 My objection is the question was
17 argumentative.

18 MR. STEWART: Not my last question.

19 MR. BOSTWICK: Do you need the
20 question read back?

21 (The record was read as requested.)

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1 I mean by "norms," GMP norms.

2 Then Mr. Dubois and Mr. Murphy
3 reached an agreement establishing a deadline
4 until the month of June, and it was then that
5 we started applying what was decided by
6 Mr. Murphy and Mr. Dubois.

7 And the prices from Exhibit 36, 37,
8 and 38 where negotiated by Ignacio Alvarez
9 following those procedures which I didn't mean
10 to intervene. And they had been decided
11 between Mr. Murphy and Mr. Dubois.

12 BY MR. STEWART:

13 Q. Is it your testimony that, for
14 example the price of Omeprazole of 500,000
15 pesetas per lot was decided by Mr. Murphy and
16 Mr. Dubois? Is that your testimony?

17 A. Yeah. The agreement that enabled us
18 to decide over these prices was reached among
19 them. The legal details were elaborated by the
20 accountants.

21 Q. Mr. de Basilio --

1 THE WITNESS: And I have said that
2 they didn't discuss the details. Those were
3 handled by the accountants. They discussed the
4 general framework for this.

5 BY MR. STEWART:

6 Q. "They" who discussed the general
7 framework was who?

8 A. Claude Dubois and Jim Murphy.

9 Q. Okay. And turn to Exhibit 37.

10 Who negotiated the prices that are
11 listed on Exhibit 37?

12 A. What I have said before Ignacio
13 Alvarez.

14 Q. And Mr. Herrera?

15 A. Most surely.

16 Q. And turn to Exhibit 38.

17 Who negotiated the prices that are
18 listed on page -- on the second page of
19 Exhibit 38?

20 A. The same.

21 Q. Mr. Ignacio Alvarez and

33 (Pages 277 to 280)

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1 Mr. Herrera?

2 A. I am remembering now that also
3 accountants from France were intervening in the
4 fixing of these prices.

5 Q. And who from Ethypharm France were
6 intervening?

7 A. The name of the accountant I don't
8 remember.

9 Q. And Exhibit 39, do you recognize
10 this as a letter that you received from
11 Mr. Herrera on or about April 9 of 2002?

12 A. Yes.

13 Q. And tell us, please, what these
14 prices refer to and what this letter referred
15 to?

16 A. The prices that were agreed after
17 the completion of that contract.

18 Q. That's after the completion of the
19 March 23, 2000 manufacturing contract?

20 THE INTERPRETER: What's the year?
21 I'm sorry.

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1 licencia, Exhibit 41.

2 (Deposition Exhibit No. 41 was
3 marked for identification.)

4 MR. STEWART: Then the third is
5 Addendum No. 1 to the license agreement.

6 (Deposition Exhibit No. 42 was
7 marked for identification.)

8 BY MR. STEWART:

9 Q. Mr. de Basilio, would you look at
10 Exhibit 40, please.

11 Can you tell me whether this -- it
12 appears to be a fax. Whether this fax was sent
13 to Mr. Debregeas and Mr. Leduc?

14 A. Yes, but it's unsigned. But if you
15 tell me what you would like to know.

16 Q. Mainly what I would like to know is
17 it really concerns Exhibit 41.

18 And is Exhibit 41 a license
19 agreement between Ethypharm France and
20 Ethypharm Spain and Laboratorios Davur?

21 A. Yes.

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1 MR. STEWART: March 23, 2000.

2 THE WITNESS: Yes.

3 BY MR. STEWART:

4 Q. Did you discuss these prices
5 directly with Mr. Herrera?

6 A. Yes, this I did. We didn't discuss
7 it. I agreed with him.

8 You want to know the name of the
9 accountant? It's written down there.

10 Q. Who is it?

11 A. Eric Cailleret.

12 Q. You might want to spell that.

13 A. C-A-I-L-L-E-R-E-T. And it is proof
14 of what I am saying Mr. Alvarez signs this
15 transmittal.

16 MR. STEWART: Next is a letter from
17 Mr. de Basilio to Mr. Debregeas and Mr. Leduc
18 dated June 21, 1999.

19 (Deposition Exhibit No. 40 was
20 marked for identification.)

21 MR. STEWART: And a contrato de

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1 Q. And Laboratorios Davur is a company
2 that is owned by Bentley Pharmaceuticals; is
3 that right?

4 MR. BOSTWICK: You asking him if he
5 knows?

6 MR. STEWART: Yes, if he knows.

7 A. I believe so, but I don't know who
8 owns it.

9 Q. Who negotiated the license agreement
10 Exhibit 41 with Laboratorios Davur?

11 A. This is the standard contract of
12 Ethypharm, so most probably I negotiated it.

13 Q. Did you involve Jim Murphy in these
14 negotiations?

15 A. Yes. Of course, this came up from
16 the negotiations, and once we came back to the
17 regular work in which the licensing was granted
18 to -- from Ethypharm to Belmac --

19 MR. STEWART: To Davur.

20 A. Davur, though I'm not sure who owns
21 that.

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1 Belmac, because I negotiated it with
2 people from Belmac and they decided that Davur
3 should commercialize it.

4 Q. There is a sentence in Exhibit 40
5 that says "We are sending you attached the last
6 letter that we have received from Belmac
7 concerning which Mr. Perez Sendino and myself
8 thought that it can break the deadlock in
9 certain matters that we have pending such as
10 Diltiazem license."

11 And then the last sentence is
12 "Please let us know your opinion and confirm to
13 us if you are going to respond to Mr. Murphy or
14 if you prefer that we do it ourselves."

15 This is directed to Mr. Debregeas.

16 First, have I read what is written
17 correctly?

18 A. You jumped a paragraph.

19 Q. Yes, I did.

20 A. The letter that is referred there to
21 is not present, so I think that's important.

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1 Q. Well, you can tell me why it's
2 important, if you wish. But what I am
3 interested in is what is the deadlock that is
4 being referred to and what is it that
5 Mr. Murphy said that needed a response, if
6 anything?

7 MR. BOSTWICK: Objection. Compound
8 and vague.

9 A. It doesn't say that. The
10 translation is not correct.

11 Q. Okay. Can you tell me -- was there
12 a deadlock concerning Diltiazem?

13 A. Yes.

14 Q. And --

15 A. GF 368.

16 Q. And what was the GF 368 license?

17 A. Omeprazole.

18 Q. And what was the deadlock?

19 A. We could not reach any agreement
20 with Clemente Gonzales.

21 Q. Was this with respect to the series

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1 of draft agreements that we have seen?

2 A. And to the license of Diltiazem and
3 Omeprazole, but I noticed that we are talking
4 here about liquid Omeprazole -- equals.

5 THE WITNESS: Water formulation.

6 MR. STEWART: Aqueous formulation.

7 THE WITNESS: Aqueous formulation.

8 BY MR. STEWART:

9 Q. Do you remember whether Mr. Murphy
10 was involved in these discussions?

11 A. I don't remember in particular, but
12 he was up-to-date about everything, and
13 especially the problematic -- the mistranslated
14 paragraph is what it states.

15 Q. Can you give me the translation?

16 THE WITNESS: "Can you give at your
17 opinion and confirm if you are going to answer
18 to Mr. Murphy or is it us that are going to do
19 it," meaning Perez Sendino and myself?

20 BY MR. STEWART:

21 Q. Was this with respect to whether

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1 Ethypharm was going to give Laboratorios Belmac
2 a license for the aqueous formulation of
3 Omeprazole?

4 A. Surely, but I still ask for the
5 attached letter.

6 Q. If I had it, I would give it to you.

7 A. It is a letter as it says there
8 signed by Adolfo Herrera presenting himself as
9 the new director general in substitution of
10 Clemente Gonzales.

11 Q. We have hundreds of documents in
12 this room but not that one.

13 A. In fact, in that letter there were
14 some remarks that had the effect that to soften
15 this situation after all the problems that we
16 had experienced. It was a very gentle letter
17 from Mr. Herrera.

18 MR. BOSTWICK: There is no question.

19 MR. STEWART: Let's go off the
20 record for a couple of minutes.

21 THE VIDEOGRAPHER: The time is

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1 15:25:01. Off the record.
 2 (A short recess was taken.)
 3 (Deposition Exhibit Nos. 43 through
 4 47 were marked for identification.)
 5 THE VIDEOGRAPHER: On the record.
 6 The time is 15:35:29.
 7 BY MR. STEWART:
 8 Q. Mr. de Basilio, before we broke we
 9 were talking about Exhibit 40, and you had told
 10 us about a letter from Mr. Herrera, the new
 11 director general.
 12 Do you recall that testimony?
 13 A. Yes. This is the letter.
 14 Q. So Exhibit 43 is the letter that you
 15 were referring to?
 16 A. Correct.
 17 Q. Is that the letter that is referred
 18 to in your letter of June 21st of 1999, Exhibit
 19 40?
 20 A. Yes. I just said yes.
 21 Q. Okay. Please take a look at

1 Q. Are you aware of any confidentiality
 2 agreements that were signed by Bentley
 3 Pharmaceuticals, Incorporated?
 4 A. What are you referring to?
 5 Q. Which specifically pertained to
 6 Omeprazole?
 7 A. Yes.
 8 Q. And do you happen to know where
 9 those are?
 10 MR. BOSTWICK: Objection. Vague.
 11 A. Where they could be?
 12 BY MR. STEWART:
 13 Q. Are you aware of any confidentiality
 14 agreements that were signed by employees of
 15 Bentley Pharmaceuticals for Belmac Corporation
 16 U.S.A.?
 17 THE INTERPRETER: Regarding to the
 18 last name, Belmac Laboratories?
 19 BY MR. STEWART:
 20 Q. I think my question was are you
 21 aware of any confidentiality agreements signed

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1 Exhibit 44.
 2 And is this a confidentiality
 3 agreement that was signed by Laboratorios
 4 Belmac at the request of Ethypharm?
 5 A. Yes.
 6 Q. And turn to Exhibit 45.
 7 Would you confirm for us that
 8 Exhibit 45 consists of the identical
 9 confidentiality agreement signed by different
 10 employees of Laboratorios Belmac?
 11 A. When you said "identical," you mean
 12 identical among itself or with the previous?
 13 Q. No. Identical among the documents
 14 that we have marked as Exhibit 45.
 15 A. Yes.
 16 Q. And Exhibit 46, would you confirm
 17 that this is a confidentiality agreement signed
 18 by Laboratorios Belmac pertaining to samples
 19 that Ethypharm provided of Omeprazole
 20 20-milligram capsules aqueous formula?
 21 A. Yes.

1 by employees of Bentley Pharmaceuticals?
 2 A. I remember one that was signed by
 3 Mr. Murphy.
 4 MR. STEWART: We have to go off the
 5 record for a minute.
 6 THE VIDEOGRAPHER: The time is
 7 15:42:15. Off the record.
 8 (A short recess was taken.)
 9 (Deposition Exhibit No. 48 was
 10 marked for identification.)
 11 THE VIDEOGRAPHER: On the record.
 12 The time is 15:45:02.
 13 BY MR. STEWART:
 14 Q. Mr. de Basilio, showing you what we
 15 have marked as Exhibit 48, and is this one of
 16 the confidentiality agreements that you had in
 17 mind?
 18 MR. BOSTWICK: I don't have a copy
 19 of it. Can I at least take a quick look?
 20 Okay. Thank you.
 21 A. Yes.

36 (Pages 289 to 292)

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1 BY MR. STEWART:

2 Q. And is it fair to say that this
3 confidentiality agreement concerns the
4 acquisition of a U.S. company which researches
5 and develops transdermal products?

6 A. Yes.

7 Q. And I will show you another document
8 which I would like to have marked as Exhibit
9 49.

10 (Deposition Exhibit No. 49 was
11 marked for identification.)

12 BY MR. STEWART:

13 Q. Can we agree this is a
14 confidentiality agreement signed by Bentley
15 Pharmaceuticals, Incorporated?

16 A. Yes.

17 Q. And is the confidential information
18 referred to pertaining to -- does it pertain to
19 the enhancement of absorption and permeation of
20 drugs through biological membranes?

21 A. Yes.

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1 A. Yes. I remember it very well. We
2 had provided them with the complete dossier
3 containing all these data in the month of
4 November. And what we were requesting from
5 Belmac was for them to give us the validation
6 so that we can hand them over to the clients as
7 is indicated in the annex.

8 Q. You say the number of the dossiers
9 received in November. Do you mean November of
10 1992?

11 A. There was a meeting which Mr. Murphy
12 attended and there were several other people,
13 and we requested from him -- we ask him to sign
14 a certificate acknowledging the things that I
15 mentioned previously. That is previously
16 stated, not just now.

17 Mr. Murphy replied that he was going
18 to sign such document, and based on the fact
19 that we had already a confidentiality agreement
20 signed our regulatory issues --

21 THE WITNESS: Director of affairs.

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1 Q. Other than these two confidentiality
2 agreements, are you aware of any
3 confidentiality agreements signed between
4 Ethypharm France and Bentley Pharmaceuticals or
5 Belmac Corporation?

6 A. It may be that there are more, but
7 I'm not sure.

8 Q. And if you take a look at
9 Exhibit 47, please.

10 Is this a confidentiality agreement
11 signed by Ethypharm Spain and Laboratorios
12 Belmac?

13 A. Yes.

14 Q. And does it concern documentation
15 provided by Belmac to Ethypharm --

16 A. Yes.

17 Q. -- concerning the production method
18 and validation of Belmazol 20 milligrams and
19 the analysis method and validation?

20 MR. BOSTWICK: Objection.
21 Characterization.

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1 A. Affairs director gave a complete
2 copy of the Omeprazole dossier. And that
3 manufacturing method and analysis validation
4 method had to be validated, and that's what
5 they did and it was used to give it to the
6 client.

7 But I must point out that is not
8 only with the documentation provided by us that
9 day, but in many other instances. That's why
10 here I wrote this sentence which says "Neither
11 the information" --

12 Q. Where is the sentence you are
13 reading?

14 THE INTERPRETER: The third indent.

15 MR. BOSTWICK: We probably have to
16 read the starting sentence.

17 A. "The secret obligation is not
18 applied."

19 THE WITNESS: However.

20 A. "However, knowing the information
21 that Ethypharm could demonstrate that they --

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1 it was in possession in the moment in which
2 Belmac send it to us, unless these obligations
3 had been acquired directly or indirectly under
4 another secret agreement."

5 Q. What year did Ethypharm provide
6 documentation to Belmac?

7 A. That date came up this morning. It
8 occur I don't remember what year. Throughout
9 our relationship continuously we were providing
10 the documentation besides instructing their
11 employees.

12 Q. We will be able to complete this
13 much, much faster -- and I am almost done -- if
14 I could simply have the answer to my question.
15 Because when you add further information it is
16 confusing, and then I don't understand whether
17 you have answered my question.

18 So I will be happy to let you say
19 anything you want to after if you would simply
20 answer the small points that I need to clarify.

21 A. Okay.

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1 Belmac -- is it your position that the
2 information that Belmac provided to Ethypharm
3 that is referred to in this agreement was the
4 same information that Ethypharm had at one time
5 given to Belmac?

6 A. It was based in our documentation
7 because we needed our documentations to be
8 validated.

9 Q. Is it your position that the
10 information that Ethypharm -- sorry.

11 Is it your position that the
12 information that Belmac provided to Ethypharm
13 was based upon information with which Ethypharm
14 had given to Belmac?

15 A. You had precisely given me Exhibit
16 No. 46 that deals with this type of information
17 about Omeprazole that is a month before of the
18 issue that we are discussing right here. And
19 that further proves -- that's one instance more
20 which that proves the case.

21 MR. STEWART: I will let it go at

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1 MR. BOSTWICK: I'm going to object
2 to that statement.

3 BY MR. STEWART:

4 Q. You told me, as I understand it,
5 that the -- that Ethypharm provided to Belmac
6 certain documentation. And I am now referring
7 to the confidentiality agreement of September
8 30 of 1998.

9 First question is did Belmac provide
10 to Ethypharm documentation obtained from the
11 registration of the medication Belmazol
12 20 milligrams?

13 A. Yes.

14 Q. And was that information provided so
15 that Ethypharm could deliver that information
16 to its customers?

17 A. Yes.

18 Q. And the customers were listed in
19 Appendix A?

20 A. Yes.

21 Q. Now, was the information that

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1 that, and thank you very much, Mr. de Basilio.

2 THE WITNESS: Thank you very much.
3 I am very pleased to hear that.

4 MR. BOSTWICK: Let's go off the
5 record.

6 THE VIDEOGRAPHER: This ends Tape
7 Number 3 of Volume 2 of the de Basilio
8 deposition. The time is 16:02:07.

9 Off the record.

10 (Discussion off the record.)

11 (Deposition Exhibit No. 50 was
12 marked for identification.)

13 THE VIDEOGRAPHER: On the record
14 with Tape Number 4 of Volume 2 of the testimony
15 of Adolfo de Basilio in this the matter of
16 Ethypharm versus Bentley Pharmaceuticals.

17 The date is August 3, 2006. The
18 time is 16:22:53.

19 EXAMINATION BY COUNSEL FOR PLAINTIFFS

20 BY MR. BOSTWICK:

21 Q. Good afternoon, Mr. de Basilio.

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1 A. Good afternoon.

2 Q. It has been a long two days and we
3 all appreciate your patience --

4 A. Thank you.

5 Q. -- and your travel to the United
6 States.

7 It is not my purpose to ask all of
8 the questions that I could ask you about the
9 subject today. I only have a little time, so
10 I'm going to ask just a few questions.

11 I have given you a document which is
12 marked Exhibit 50, and I would ask you to take
13 a look at it and tell me what it is.

14 A. They are the calendar notes of my
15 PDA.

16 Q. So is it correct -- what do you mean
17 by "PDA"?

18 A. My hand-held phone and agenda.

19 Q. And you are able to type in little
20 messages in that computer?

21 A. Yes.

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1 principal contact at either Rimafar or
2 Laboratorios Belmac?

3 A. Mr. Perez de Ayala.

4 Q. Going on to page 2. What does that
5 tell you?

6 A. The same, Perez de Ayala, and there
7 is here a visit to Bologna to do some testing
8 with the pellet machines.

9 Q. Is there a point in time in this
10 document where Mr. de Ayala leaves or stops
11 being your principal contact at Laboratorios
12 Belmac?

13 A. Yes, in page 9255.

14 Q. And what portion of that page?

15 A. November 14 of 1994.

16 Q. What does the description say on
17 that date?

18 A. "Perez de Ayala forced to resign."

19 Q. "Forced to resign," correct?

20 A. Correct.

21 Q. And after that date, does Mr. Murphy

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1 Q. And are these all of the notes in
2 that little computer or just those notes
3 relating to Bentley or Belmac or this matter?

4 A. I have extracted all that were
5 related with this case.

6 Q. Now, Mr. de Basilio, you mentioned a
7 number of times in your deposition that there
8 was a point in time that Mr. Jim Murphy from
9 Bentley Pharmaceuticals in the United States
10 took control of Laboratorios Belmac.

11 Can you look at this exhibit and
12 tell me when that was?

13 A. Yes. Here beginning with the
14 year '91 it shows Mr. Perez de Ayala several
15 times.

16 Q. What are those descriptions with
17 Mr. de Ayala? Are those meetings? Telephone
18 calls?

19 A. Could be calls, appointments, and
20 meeting notes.

21 Q. So during that period who was your

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1 appear in your PDA?

2 A. The first occurrence of his name is
3 registered here as 29 of November. I don't
4 know if that was the first, but then after that
5 there are several. It could be with this SKF
6 Hazleton.

7 Q. What is the "J venture" reference?
8 THE WITNESS: Joint venture.

9 A. Joint venture.

10 Q. And what does that mean with respect
11 to Mr. Murphy?

12 A. This doesn't remind me anything. I
13 would have to check it against other notes.

14 Q. Are there -- if you were to look at
15 the next few pages and continue, would we see a
16 number of indications where Mr. Murphy is
17 contacted or where you meet specifically with
18 Mr. Murphy?

19 MR. STEWART: Objection. Form.

20 BY MR. BOSTWICK:

21 Q. Can you look at the next few pages

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1 and tell me if Mr. Murphy appears many times or
2 not?

3 MR. STEWART: Object to form.

4 A. Giving this moment it shows open all
5 the pages.

6 Q. Is that consistent with your memory
7 that -- strike that.

8 Are these notes which show
9 Mr. Murphy appearing many times in meetings and
10 telephone calls with you and others at
11 Ethypharm consistent with your memory that
12 Mr. Murphy took control of Laboratorios Belmac
13 around the end of 1994?

14 A. Yes, '94 and '95.

15 Q. Let me show you another document.

16 (Deposition Exhibit No. 51 was
17 marked for identification.)

18 BY MR. BOSTWICK:

19 Q. I am handing you Exhibit No. 51, and
20 I would like you to tell me what that is.

21 A. It's internal notes of the company.

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1 between the meeting with Mr. Monterde and the
2 meeting with Mr. Murphy?

3 A. In my meeting with Mr. Murphy, I
4 disclosed several topics of the company. And
5 he ask me to transmit this information to
6 Mr. Monterde.

7 Q. This is Mr. Murphy from Bentley in
8 the U.S., correct?

9 A. It's true.

10 Q. And he is telling you to provide
11 information to Mr. Monterde?

12 A. True.

13 Q. And why is Mr. Murphy from Bentley
14 asking you to provide information to
15 Mr. Monterde?

16 MR. STEWART: Objection. Competency
17 based on form. And foundation.

18 A. This morning I stated that Mr.
19 Murphy didn't speak Spanish and
20 Mr. Monterde as the plant director didn't speak
21 Spanish either --

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1 Q. What company?

2 A. Ethypharm.

3 Q. And whose notes are these?

4 A. These are personal notes of mine.

5 Q. On page 9203 are there notes
6 relating to a meeting with Mr. Murphy on
7 January 16, 1995?

8 A. Yes.

9 Q. And are there also notes of a
10 meeting with Mr. Monterde on January 18, 1995?

11 A. Yes.

12 Q. Tell me what the relationship is, if
13 any, relating to the meeting with Mr. Monterde
14 on January 18, 1995, and the meeting with
15 Mr. Murphy on January 16, 1995.

16 A. In my meeting with Mr. Murphy, he
17 told me about a dinner he had with
18 Mr. Debregeas in Paris. And now I remember
19 this when they disclosed a joint venture for
20 some patches that Ethypharm had.

21 Q. What is the relationship, if any,

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1 THE WITNESS: English.

2 A. English either. So we had to put in
3 action several issues about the company. We
4 had to decide about contracting personnel and
5 establish the shifts.

6 And I told Mr. Monterde that
7 Mr. Murphy had consented first to disclose
8 these matters and that we were going to
9 establish two shifts or whatever it was more
10 convenient for the personnel.

11 Q. So am I correct from your answer
12 that in January of 1995 you were meeting with
13 Mr. Murphy from Bentley U.S.A. and negotiating
14 certain aspects of the relationship with
15 Ethypharm?

16 A. Ethypharm.

17 Q. Is that correct?

18 A. Yes.

19 MR. STEWART: Objection. Objection
20 as to form and providing an internal summary of
21 the witness's testimony.

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1 BY MR. BOSTWICK:

2 Q. And did you come to certain
3 agreements with Mr. Murphy about what
4 Laboratorios Belmac would do in the context of
5 the relationship with Ethypharm?

6 A. Yes. Up to that point we couldn't
7 have our logo shown in the boxes with our
8 products, and he authorized that we could have
9 our logo in the boxes.

10 Q. Let's pause there.

11 A. And --

12 Q. Let's pause there.

13 You came to an agreement with
14 Mr. Murphy that Laboratorios Belmac would put
15 the name of Ethypharm on the boxes at Belmac,
16 correct?

17 A. Yes.

18 Q. Was anybody else consulted with to
19 make that decision?

20 A. Just Mr. Murphy and I.

21 Q. Mr. Murphy didn't ask anybody at

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1 A. Then he had the ability to buy
2 excipients and other things that he could not
3 do before. He even told us that we could have
4 an office in his facilities in Zaragosa.

5 Q. Who told you that?

6 A. Mr. Murphy told us.

7 Q. Mr. Murphy told you that; is that
8 correct?

9 A. Yes.

10 Q. And that's something that you told
11 to Mr. Monterde?

12 A. It is true.

13 Q. Did Mr. Murphy also agree to
14 increase the staff of Laboratorios Belmac?

15 A. Yes.

16 Q. Did he also agree to set up two
17 shifts to run -- to produce Omeprazole?

18 A. Yes.

19 Q. And who was it that told the plant
20 manager at Belmac that there were going to be
21 two shifts?

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1 Belmac whether they thought that was a good
2 idea?

3 A. I don't know. I don't think he did.

4 Q. And when Mr. Murphy made the
5 decision, who did he -- how did he tell that
6 decision to people -- to Mr. Monterde?

7 A. He asked me to transmit it to him.

8 Q. To Mr. Monterde?

9 A. Monterde.

10 Q. And is there another agreement that
11 you and Mr. Murphy reached that he asked you to
12 tell Mr. Monterde about?

13 A. They were recuperating the loss
14 capabilities under Perez de Ayala, and they
15 could now buy excipients.

16 I would like to change the
17 interpretation.

18 Monterde recovered the capacities
19 that he had lost when Mr. Perez de Ayala was
20 fired.

21 Q. Okay.

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1 A. Myself.

2 Q. And that is because Mr. Murphy asked
3 you to tell Mr. Monterde of your agreement?

4 A. Yes.

5 Q. And were there many other things
6 that you discussed with Mr. Murphy in the
7 December, January, February time period in 1994
8 and 1995?

9 A. Yes. One very important question
10 was the certificate for -- free sale
11 certificate.

12 Q. Okay. Why don't you tell me about
13 that?

14 A. Mr. Perez de Ayala was charging very
15 high amount, and Mr. Murphy authorized me to
16 speak with Mr. Clemente Gonzales to -- in order
17 to establish a more adequate price.

18 Beforehand he had asked me about
19 Mr. Gonzales, if he could appoint him as
20 director general. Mr. Clemente Gonzales was
21 the commercial director of the company.

41 (Pages 309 to 312)

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1 Obviously I didn't answer to his
 2 question. I could not make any opinion.
 3 Q. But Mr. Murphy consulted with you
 4 and asked your opinion about who to hire as
 5 general manager; is that correct?
 6 A. It is true.
 7 Q. Did this relationship with
 8 Mr. Murphy where you relayed the substance of
 9 agreements that you had reached with Mr. Murphy
 10 to people at Laboratorios Belmac last for a
 11 number of years?
 12 MR. STEWART: Objection. Form and
 13 vague.
 14 A. It lasted for a long time.
 15 Q. Did there come a point in time where
 16 you became uncomfortable with that?
 17 A. Yes, I was uncomfortable.
 18 Q. Did you tell Mr. Murphy that?
 19 A. Yeah. I told him that he was
 20 treating me with too much familiarity and that
 21 I was very uncomfortable with that decision

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1 because I was the director general of
 2 Ethypharm.
 3 Q. If you can look at Exhibit 22 that
 4 Mr. Stewart showed you.
 5 You recall the testimony where you
 6 said that Jim Murphy took you over to his
 7 lawyers to meet with his lawyers?
 8 A. Yes.
 9 Q. Did you negotiate the terms of this
 10 agreement, Exhibit 22, with Mr. Murphy and his
 11 lawyers?
 12 A. Yes.
 13 Q. I want you to look at Exhibit 26.
 14 And I would like you to look at the
 15 last line of the first page, and this refers to
 16 the discussions regarding the draft contract.
 17 A. Yes.
 18 Q. And the sentence reads "In addition
 19 to meetings with the lawyers, we have been in
 20 constant communication with the manager of
 21 Belmac Spain and the chairman of Belmac U.S.A."

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1 Is that statement true?
 2 A. I said so this morning.
 3 Q. And is that why you wrote it in
 4 1995?
 5 A. Yes.
 6 Q. And the chairman of Belmac U.S.A.
 7 was Mr. Murphy, correct?
 8 A. Yes.
 9 Q. And the fact that you were in
 10 constant contact with Mr. Murphy, that is also
 11 memorialized in Exhibit 50, correct?
 12 A. Yes. There are my notes and they
 13 state that many times I called him on the phone
 14 and meet with him. I got faxes from him.
 15 Q. And this statement is consistent
 16 with your understanding that Mr. Murphy took
 17 control of Laboratorios Belmac?
 18 MR. STEWART: Objection. Form.
 19 A. Yes, because I previously -- I only
 20 talked to Mr. Perez de Ayala in Belmac at the
 21 moment that he left. The person I dealt with

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1 was Mr. Murphy.
 2 Q. And from 1994 forward was it your
 3 understanding -- who did you understand had the
 4 final authority to make decisions for
 5 Laboratorios Belmac?
 6 A. Mr. Murphy.
 7 Q. I will show you another document.
 8 (Deposition Exhibit No. 52 was
 9 marked for identification.)
 10 BY MR. BOSTWICK:
 11 Q. Mr. de Basilio, this is a letter
 12 from Mr. Jim Murphy, chairman and CEO of
 13 Bentley, correct?
 14 THE INTERPRETER: Belmac?
 15 BY MR. BOSTWICK:
 16 Q. Bentley Pharmaceuticals in the
 17 United States, correct?
 18 A. Yes.
 19 Q. Did you see this letter at the time
 20 it was sent?
 21 A. Yes. I can see my name written down

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1 on the upper corner.

2 Q. Those are your initials, ADB, in
3 handwriting at the top?

4 A. Yes. It is under Mr. Debregeas
5 and --

6 Q. Now, we won't get into the history
7 of this now because I don't have time. But I
8 want to refer you to the second sentence of
9 this letter.

10 It says "I am confused because ever
11 since I assumed control of Laboratorios
12 Belmac," that is Mr. Murphy, correct?

13 A. Yes.

14 Q. Writing as chairman and CEO of
15 Bentley Pharmaceuticals, Inc., correct?

16 A. Yes.

17 Q. And is Mr. Murphy telling the truth
18 when he said he can -- assumed control of
19 Laboratorios Belmac?

20 A. That's my understanding because I
21 was dealing with him.

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1 behalf?

2 A. Yes. The text that you just handed
3 me specifies this.

4 Q. Can you point me to the portion of
5 the text that specifies this?

6 A. The fourth paragraph that begins
7 "Unfortunately."

8 Q. And that paragraph reads
9 "Unfortunately, I am not able to assist at the
10 meeting that will be held at your Paris office,
11 but we certainly wish to find together the best
12 solution for both companies, and I believe you
13 will find the most flexible position in
14 Clemente Gonzales and his collaborators"; is
15 that correct?

16 A. Yes.

17 Q. I will show you another document.
18 (Deposition Exhibit No. 54 was
19 marked for identification.)

20 BY MR. BOSTWICK:

21 Q. Do you recognize this document?

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1 Q. What is your understanding of when
2 Mr. Murphy assumed control of Laboratorios
3 Belmac?

4 A. Around the month of November, which
5 is when I started my dealings with him.
6 November 1994.

7 Q. Was there ever a time when
8 Mr. Murphy at Bentley Pharmaceuticals corrected
9 or took back this statement and said "I am no
10 longer in control of Laboratorios Belmac"?

11 MR. STEWART: Objection.

12 A. Not according to my notes.

13 Q. Let's show you another document.
14 (Deposition Exhibit No. 53 was
15 marked for identification.)

16 BY MR. BOSTWICK:

17 Q. I will ask you was there ever a
18 time -- or strike that.

19 Were there times when Mr. Murphy
20 from Bentley delegated his authority to people
21 at Laboratorios Belmac to negotiate on his

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1 A. Yes. I wrote it.

2 Q. I'm sorry. What is the exhibit
3 number?

4 A. 54.

5 Q. Okay. And does this set forth an
6 accurate description of Mr. Murphy's
7 involvement in negotiations with Ethypharm
8 around 1997 to save the relationship from
9 termination?

10 MR. STEWART: Objection as to form.

11 A. May I answer?

12 Q. Yes.

13 A. Yes, in the second to the last
14 paragraph we talk about the agreements that
15 were reached with Mr. Murphy.

16 Q. Tell me briefly what the issue was
17 in 1997.

18 A. We had an inspection of GMP and I
19 was in Paris in the month of January and
20 Mr. Leduc was extremely furious and he asked me
21 to write the letter to terminate our

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1 relationships.
 2 Q. And how did -- did a general manager
 3 of Laboratorios Belmac, such as Adolfo Herrera
 4 or Clemente Gonzales, negotiate a resolution?
 5 A. No. As I said this afternoon, it
 6 was Mr. Dubois who went to solve the problem
 7 with Mr. Murphy.
 8 Q. Now, you also attached a draft
 9 contract to your letter, correct?
 10 A. Yes.
 11 Q. And if you look at the annexes which
 12 begin on page 9185, is there listed certain
 13 know-how trade secrets and technology of
 14 Ethypharm?
 15 A. Yes, on page 9187.
 16 Q. I am not asking you to tell me what
 17 they are, just where they are.
 18 A. The machinery we use is described
 19 there.
 20 Q. Now, this letter was not directed to
 21 Mr. Murphy, correct?

1 are you asking this witness to read the
 2 document, or are you asking from -- asking him
 3 his memory as to what Mr. Gonzales said to
 4 Mr. Dubois?
 5 BY MR. BOSTWICK:
 6 Q. From your memory and looking at this
 7 document, what do you recall about whether
 8 Mr. Murphy received a copy of your contract
 9 that you sent one day earlier?
 10 A. Yes, it is stated there very
 11 clearly.
 12 Q. What is stated clearly?
 13 A. We have received a draft contract as
 14 sent by Mr. de Basilio, and we are restoring it
 15 as well as our president Mr. Murphy and we
 16 would send our commentaries of Mr. Murphy and
 17 eventually an alternative text following this.
 18 Q. Is this -- is the fact that
 19 Mr. Murphy received this contract so quickly
 20 and was going to give his views on the contract
 21 consistent with your understanding that it was

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1 A. No.
 2 Q. Did you understand that Mr. Murphy
 3 received a copy of this contract?
 4 MR. STEWART: Objection.
 5 A. Mr. Murphy was continuously informed
 6 about everything, so this would have landed in
 7 his hands.
 8 Q. With that, let me show you another
 9 document.
 10 (Deposition Exhibit No. 55 was
 11 marked for identification.)
 12 BY MR. BOSTWICK:
 13 Q. Is this a response your letter sent
 14 by Mr. Gonzales the very next day?
 15 A. No. It's Mr. Gonzales replying to
 16 Mr. Dubois.
 17 Q. What does Mr. Gonzales tell
 18 Mr. Dubois about whether Mr. Murphy has
 19 received a copy of the contract you sent the
 20 day before?
 21 MR. STEWART: Objection. Asking --

1 the normal business practice for Mr. Murphy at
 2 Bentley Pharmaceuticals to receive and review
 3 important contracts?
 4 MR. STEWART: Objection. Lack of
 5 foundation. Compound. Assumes facts not in
 6 evidence.
 7 A. Yes. It was clear that that was the
 8 case.
 9 Q. You have also referred in your
 10 testimony with Mr. Stewart to a meeting where
 11 Mr. Leduc waved a one-page agreement in front
 12 of Mr. Murphy. Do you recall?
 13 A. Yes.
 14 Q. I will show you this document.
 15 (Deposition Exhibit No. 56 was
 16 marked for identification.)
 17 BY MR. BOSTWICK:
 18 Q. I will ask if that document helps
 19 you recall who was present at this meeting?
 20 A. I am saying that this morning I gave
 21 an incorrect date for this meeting. I have

44 (Pages 321 to 324)

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1 said it was November, but I see here that it
2 was in April.

3 Q. Of 1998?

4 A. Yes.

5 Q. And who is present at the meeting?

6 A. Mr. Berenger from Belmac.

7 Q. Who else?

8 A. Myself, Mr. Herrera, Mr. Murphy,
9 Mr. Gonzales, and these are the rooms that were
10 reserved by one of the secretaries in Paris and
11 obviously on the site of Ethypharm where the
12 directors that I have mentioned this morning.

13 Q. Who else from Ethypharm was at the
14 meeting in Paris in April of 1998?

15 A. That I remember, there was
16 Mrs. Joanesse, Mr. Leduc, and I believe
17 Mr. Dubois was present. Mr. Debregeas wouldn't
18 necessary -- could possibly be there, but I
19 don't remember.

20 Q. I am not going to ask you about
21 everything that happened at that meeting, but I

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1 Q. Did Ethypharm -- after the meeting
2 with Bentley and Belmac representatives in
3 April of 1998, did Ethypharm provide further
4 trade secrets and technical information to
5 Bentley or Belmac?

6 MR. STEWART: Objection. Compound.
7 And goes to the issue that is specifically of
8 concern with respect to the focus of the
9 deposition.

10 I would ask that there be two
11 questions; one to Bentley, one with respect to
12 Belmac.

13 MR. BOSTWICK: After -- well, you
14 can clarify that, if you would like.

15 BY MR. BOSTWICK:

16 Q. How long after Mr. Murphy agreed in
17 the meeting to sign this document did Ethypharm
18 give further trade secrets and technological
19 information to Bentley or Belmac?

20 A. The next day our registry director
21 of regulatory affairs provided them with the

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1 am going to show you another exhibit and ask
2 you if it contains a document that was shown to
3 Mr. Murphy at that meeting.

4 (Deposition Exhibit No. 57 was
5 marked for identification.)

6 BY MR. BOSTWICK:

7 Q. Do you recall -- well, let's turn
8 your attention to page 2 of this exhibit.

9 What is this document?

10 A. This is the document I mentioned
11 this morning that was waved by Mr. Leduc asking
12 Mr. Murphy to sign.

13 Q. Did Mr. Murphy agree to sign this
14 document at the meeting?

15 A. Yes. He said it in front of
16 everybody that he would sign.

17 Q. And where does it indicate that
18 Mr. Murphy is from and who he is representing?

19 A. In the second paragraph it states
20 that Mr. Murphy in representation of Bentley
21 Pharmaceuticals.

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1 dossier of Omeprazole.

2 Q. Did Ethypharm rely on Mr. Murphy's
3 promise to sign this document --

4 MR. STEWART: Objection.

5 BY MR. BOSTWICK:

6 Q. -- in giving additional technology
7 information to Bentley or Belmac?

8 A. Yes.

9 Q. Did Mr. Murphy ever sign the
10 document as he promised to do?

11 A. No. He didn't sign it.

12 MR. BOSTWICK: There are many more
13 questions I would like to ask you, Mr. de
14 Basilio, but I am going to leave it there.

15 THE WITNESS: Thank you. You have
16 been longer than I was expecting.

17 MR. STEWART: I get to ask you a few
18 more questions.

19 FURTHER EXAMINATION BY COUNSEL FOR DEFENDANT

20 BY MR. STEWART:

21 Q. What was the technological

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1 information that Ethypharm gave to Laboratorios
2 Belmac in the day or two following the document
3 that you have identified in Exhibit 57?

4 MR. STEWART: I didn't say Bentley
5 or Belmac.

6 Can you read the question back.
7 (The record was read as requested.)

8 A. Omeprazole dossier which contains
9 obviously all the technology information.

10 Q. Was that the Omeprazole organic
11 formula or aqueous formula?

12 A. The question I don't remember.

13 Q. Please look at Exhibit 50.

14 Now, Exhibit 50, do I understand
15 correctly that Exhibit 50 was made by
16 extracting from your PDA references to Belmac
17 and people in matters concerning Belmac?

18 A. Not exactly. Everything related to
19 Omeprazole.

20 Q. Okay. And from what date to what
21 date was this information extracted?

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1 Gonzales Azpetia formally assumed his
2 responsibilities as general manager of
3 Laboratorios Belmac?

4 A. I could not tell you the exact date.

5 Q. You were aware -- you are aware that
6 Jim Murphy was the president -- let me withdraw
7 that.

8 You were aware that Jim Murphy was
9 the executive director of Laboratorios Belmac
10 during a time period in 1995, aren't you?

11 A. Yes. I learned in some document
12 that at some point he was legally involved in
13 executive director of Belmac Laboratories.

14 Q. In fact, you saw a document in the
15 lawyer's office which had Jim Murphy as the --
16 listed as the executive director of Belmac,
17 correct?

18 A. Jim Murphy come over.

19 Q. And that was approximately in March
20 of 1995, correct?

21 A. Correct.

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1 A. From the first one that I had, which
2 is July 3rd, '91, to the last I had, which was
3 May 16, 2001.

4 Q. Do you believe that the diary or
5 that the PDA information -- let me withdraw
6 that. I have another question.

7 Mr. Bostwick asked you to look at
8 the entry for November 14th of 1994, correct?

9 A. Yes.

10 Q. And that was the -- that was in your
11 diary in your PDA you have a note that
12 Mr. Perez de Ayala was forced to resign; is
13 that correct?

14 A. Correct.

15 Q. And he was the general manager of
16 Laboratorios Belmac up until that time; is that
17 correct?

18 A. It may have been that he stayed
19 until the end of the month. The entry refers
20 to when I got the information.

21 Q. And can you tell me when Clemente

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1 Q. Now, Mr. Bostwick called your
2 attention to a number of dates where Mr. Murphy
3 is mentioned or is listed in your PDA, correct?

4 A. True.

5 Q. If you turn to page 9263 of
6 Exhibit 50.

7 How many times is Mr. Murphy listed
8 in your PDA for any time in 1996?

9 A. In these entries here in --

10 Q. Sorry?

11 A. Not mentioned in any.

12 Q. Not mentioned in any. And how many
13 times is he mentioned in your PDA in the
14 entries for 1997?

15 A. None.

16 Q. And how many in 1998?

17 A. In June 1998, the 2nd of June, 23rd
18 of June.

19 Q. The 2nd of June and the 23rd of
20 June. Any other time?

21 A. October 6 of 2000.

46 (Pages 329 to 332)

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1 Q. Okay. Let's stop.
 2 So he was mentioned twice in the
 3 entries for 1998, correct?
 4 A. Correct.
 5 Q. And you have no entries for
 6 Mr. Murphy in the entries listed here in 1999,
 7 do you?
 8 A. Correct.
 9 Q. And in 2000 he is listed as -- you
 10 have a mention of Mr. Murphy in November of
 11 2000?
 12 A. In October.
 13 Q. In October of 2000?
 14 A. In October.
 15 Q. And those are all the mentioned --
 16 those are all of the indications of Mr. Murphy
 17 in Exhibit 50 from 1996 through 2000, correct?
 18 A. In my PDA, yes.
 19 MR. STEWART: That's all I have.
 20 MR. BOSTWICK: Thank you very much.
 21 THE VIDEOGRAPHER: This ends Tape

1 ACKNOWLEDGMENT OF DEPONENT
 2 I, ADOLFO DE BASILIO, do hereby acknowledge I
 3 have read and examined the foregoing pages of
 4 testimony, and the same is a true, correct and
 5 complete transcription of the testimony given
 6 by me, and any changes or corrections, if any,
 7 appear in the attached errata sheet signed by
 8 me.

9 _____
 10 Date ADOLFO DE BASILIO
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21

Page 334

Page 336

1 Number 4 and concludes Volume 2 of the
 2 testimony of Adolfo de Basilio in the matter of
 3 Ethypharm versus Bentley Pharmaceuticals. The
 4 date is August 3, 2006. The time is 17:31:49.
 5 Off the record.
 6 (Whereupon, the deposition was
 7 concluded at 5:31 p.m.)
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21

1 CERTIFICATE OF NOTARY PUBLIC
 2 I, Bonnie L. Russo, the officer before
 3 whom the foregoing deposition was taken, do
 4 hereby certify that the witness whose testimony
 5 appears in the foregoing deposition was duly
 6 sworn by me; that the testimony of said witness
 7 was taken by me in shorthand and thereafter
 8 reduced to computerized transcription under my
 9 direction; that said deposition is a true
 10 record of the testimony given by said witness;
 11 that I am neither counsel for, related to, nor
 12 employed by any of the parties to the action in
 13 which this deposition was taken; and further,
 14 that I am not a relative or employee of any
 15 attorney or counsel employed by the parties
 16 hereto, nor financially or otherwise interested
 17 in the outcome of the action.
 18
 19 _____
 20 Notary Public in and for
 21 the District of Columbia
 My Commission expires: May 14, 2010

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Page 337

1 Mr. Dwight P. Bostwick
 2 1201 F Street, NW
 3 Washington, DC 20004
 4
 5 IN RE: Ethypharm vs. Bentley Pharmaceuticals
 6
 7 Dear Mr. Bostwick:
 8 Enclosed please find your copy of the
 9 deposition of ADOLFO DE BASILIO along with the
 10 original signature page. As agreed, you will
 11 be responsible for contacting the witness
 12 regarding reading and signing the transcript.
 13 Within 30 days of receipt, please forward
 14 errata sheet and original signature page signed
 15 to opposing counsel.
 16 If you would like to change this procedure or
 17 if you have any questions, please do not
 18 hesitate to call.
 19 Thank you.
 20 Yours,
 21 Bonnie L. Russo
 Reporter/Notary

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1 DEPOSITION ERRATA SHEET
 2 CASE CAPTION: ETHYPHARM VS. BENTLEY
 3 DEPONENT: ADOLFO DE BASILIO
 4 DEPOSITION DATE: AUGUST 3, 2006
 5 I have read the entire transcript of my
 6 Deposition taken in the captioned matter or the
 7 same has been read to me. I request that the
 8 changes noted on the following errata sheet be
 9 entered upon the record for the reasons
 10 indicated. I have signed my name to the Errata
 11 Sheet and the appropriate Certificate and
 12 authorize you to attach both to the original
 13 transcript.
 14 PAGE/LINE CHANGE REASON
 15 _____
 16 _____
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 SIGNATURE _____ DATE _____
 ADOLFO DE BASILIO

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A				
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